

R E M A R K S

This is in response to the final Official Action mailed December 3, 2002 for the above-identified patent application. Following the Examiner's restriction requirement and the withdrawal of Claim from consideration by the Examiner, Applicants reserve the right to pursue non-elected Claim 6 in a separate application. Claims 1-5 are now pending in the application. Claim 1 has been amended as is further discussed below.

Claims 1-2 and 5 have been rejected under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent No. 3,325,575 (Last) in combination with U.S. Patent No. 5,750,262 (Gasse et al.). According to the Examiner, Last teaches balloons made from polyolefin film laminates stretched in biaxial directions having a thickness of 0.35  $\mu\text{m}$  to 254  $\mu\text{m}$ . According to the Examiner, Gasse et al. teaches a film composed of a polyamide resin layer A, a polyamide resin layer blend B of 10-60% weight of amorphous polyamide resin and 40-90 weight% of aliphatic polyamide resin, an adhesive layer D and a seal layer C, where a preferred five-layer structure is A/D/B/D/C. The Examiner takes the position that the film of Gasse et al. is shaped into a balloon (Official Action, p. 3, lines 2-3) and concludes that it would have been obvious to modify the balloon of Last with a five layer film according to the teachings of Gasse et al. to obtain the invention claimed in Claims 1-2 and 5.

However, it is respectfully submitted that Claims 1-2 and 5 are nonobvious and patentable in view of Last in combination with Gasse et al. Claim 1 has been amended to expressly recite that the film is stretched using a roll stretching machine in the direction of the machine and that the film is stretched in the transverse direction using a tenter stretching machine. The amendment is supported by the specification as originally filed (Specification, p. 4, lines 9-12) and therefore does not constitute new matter. In contrast, Gasse et al. explicitly

states that stretching units "cannot be used for the film of the present invention since they always produce a stretched product" (col. 3, lines 23-26). Accordingly, Gasse et al. teaches away from Claim 1 as amended, which expressly recites that the film is stretched using a roll stretching machine in the direction of the machine and that the film is stretched in the transverse direction using a tenter stretching machine. Furthermore, it is respectfully submitted that Gasse et al. at col. 3, lines 15-20 does not disclose or suggest that the film is shaped into a balloon, as stated by the Examiner (Official Action, p. 3, lines 2-3). Gasse et al. discloses that the film is shaped into a "film bubble" (col. 3, lines 17-18). It is respectfully submitted that a film bubble is not a balloon, but a blown tube of an inflation film, as shown in the enclosed document titled *Industrial Plastic Film*, pages 141-142 (1991), by Minami and Atsushi, and in the accompanying English translation of relevant portions of pages 141-142, disclosed in the enclosed Information Disclosure Statement. In particular, *Industrial Plastic Film* shows that both a film bubble (Figure 4.47) and a blown film (Figure 4.44) are inflation films, and not balloons (*see, e.g.*, the caption for Figure 4.44). Accordingly, Gasse et al. does not disclose or suggest shaping a film into a balloon.

For the foregoing reasons, it is respectfully submitted that it would not have been obvious to combine the film of Gasse et al. with the balloon of Last to obtain the invention claimed in Claim 1 (and in Claims 2 and 5 ultimately dependent thereon). In view of the foregoing, withdrawal of the rejection under 35 U.S.C. § 103(a) of Claims 1, 2 and 5 as obvious in view of Last in combination with Gasse et al. is respectfully requested.

Claims 3-4 have been rejected under 35 U.S.C. § 103(a) as obvious in view of last in combination with Gasse et al. as applied to Claims 1-2 and 5 and with U.S. Patent No. 4,928,908 (Horii). The teachings of Last and of Gasse et al. have been discussed above.

According to the Examiner, Horii teaches a balloon formed from heat sealing a plastic film with a metal vapor deposited layer formed on one side, where the transparent plastic film is based on polyamides and polyolefins, and a seal layer. The Examiner takes the position that it would have been obvious to combine metal vapor deposition as taught by Horii et al. and a five layer film as taught by Gasse et al. with the balloon of Last to obtain a balloon as claimed in Claims 3 and 4.

However, it is respectfully submitted that Claims 3-4 are nonobvious and patentable in view of Last in combination with Gasse et al. and with Horii. Claims 3-4 depend on Claim 1 which, as discussed above, has been amended to expressly recite that the film is stretched using a roll stretching machine in the direction of the machine and that the film is stretched in the transverse direction using a tenter stretching machine. In contrast, as discussed above, Gasse et al. states that stretching units cannot be used since they always produce a stretched product, and therefore teaches away from Claim 1 as amended. Furthermore, as discussed above, Gasse et al. at col. 3, lines 15-20 discloses that the film is shaped into an inflation film, and does not disclose or suggest that the film is shaped into a balloon. Horii fails to correct the deficiencies of Gasse et al. Accordingly, it is respectfully submitted that Claims 3-4 are not obvious in view of Last in combination with Gasse et al. and with Horii. In view of the foregoing, withdrawal of the rejection under 35 U.S.C. § 103(a) of Claims 3-4 as obvious in view of last in combination with Gasse et al. and with Horii is respectfully requested.

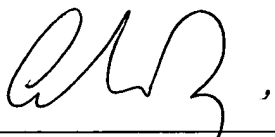
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with Markings to Show Changes Made."**

PATENT

In view of the foregoing amendments and remarks, reconsideration and allowance of all claims are respectfully requested.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In the claims:**

Please amend Claim 1 as follows:

1. (Amended) A film for forming a vapor deposited balloon, which comprises a five-layer structure composed of a polyamide resin layer, a polyolefin layer, a polyamide resin layer, an adhesive resin layer and a seal layer, the five layers being disposed in the order recited, wherein the film is stretched [in biaxial directions] using a roll stretching machine in the direction of the machine and the film is stretched in the transverse direction using a tenter stretching machine, and has a thickness of about 15 to about 35  $\mu\text{m}$ .